

**CITY OF MADERA PLANNING COMMISSION
REGULAR MEETING
September 13, 2016**

CALL TO ORDER: The meeting was called to order by Chairperson Hutchings at 6:00 p.m.

ROLL CALL

PRESENT: Commissioner Kenneth Hutchings (Chairperson)
Commissioner Jim DaSilva (Vice Chairperson)
Commissioner Bruce Norton
Commissioner Jeff DalCerro
Commissioner Ruben Mendoza
Commissioner Robert Gran Jr.
Commissioner Pamela Tyler

ABSENT: None

STAFF: Christopher Boyle, Planning Manager
Keith Helmuth, City Engineer
Jose Sandoval, Assistant Engineer
Jose Aguilar, Deputy City Engineer
Brent Richardson, City Attorney
Brandi Garcia, Recording Secretary

PLEDGE: Commissioner Norton led the Pledge of Allegiance.

PUBLIC COMMENT: None

MINUTES: August 9, 2016, Commissioner Norton made a motion to approve the minutes. Seconded by Commissioner DaSilva. Motion carried unanimously.

CONSENT ITEMS: None

PUBLIC HEARING ITEMS

1. TSM 2016-01 – Varbella / DMP Development

A noticed public hearing to consider a tentative subdivision map to subdivide two parcels (APN: 012-460-001 and 006) encompassing a total of 27.94 acres into a 120-lot single family residential subdivision. The two parcels are located at the southwest corner of Monterey Street and Gary Lane in the R1 (Low Density Residential) Zone District with an LD (Low Density Residential) General Plan land use designation. A Negative Declaration will also be considered by the Planning Commission.

Planning Manager, Christopher Boyle presented the item and requested a continuance to the October 11, 2016 Planning Commission Regular meeting.

Commissioner Gran made a move to continue the item to the October 11, 2016 meeting. Seconded by Commissioner DalCerro. The motion was carried unanimously.

2. CUP 2016-18 & SPR 2016-32 – MUSD Adult Education Center

A noticed public hearing to consider a conditional use permit and site plan review to allow for the establishment of an adult education center in the Madera Marketplace shopping center at 2037 West Cleveland Avenue in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 013-160-024).

Commissioner Mendoza recused himself. He serves as advisory capacity for Madera Unified.

Planning Manager, Christopher Boyle presented the item.

Commissioner DaSilva asked if there was currently an adult education school.

Mr. Boyle replied that it is currently housed on the South High School Campus.

The applicant responded from the audience that there is actually not a current location for the adult school.

Mr. Boyle said he would allow the applicant to speak further on the item.

Commissioner Hutchings opened the public hearing and invited the applicant to step forward.

Jay Mahil of Creekside Land Company, 30814 Avenue 9, Madera, Ca. He is in agreement with all the conditions.

There were no questions.

George Cummins of 40632 Rancho Ramon Circle, Coarsegold, Ca. He believes this will help the District find permanent housing for the adult education. This will help them in the interim by being able to house them in this facility.

Commissioner DaSilva asked about busses going back and forth.

Mr. Cummins said this is adult education so they are on their own to get there. They will also encourage the students to park in the back parking once they are familiar with the facility.

Commissioner DalCerro confirmed that they expected to be there for about seven (7) year.

Mr. Cummings confirmed but said you know how those things go and they may end up running over that time frame and Jay will collect more rent.

Commissioner Hutchings asked if there was anyone else that would like to address the Commission.

David Delotter, Property Manager for Safco Capital, 27532 Crossblade in Santa Clarita, Ca. His only concern is that they do use the back parking lot as much as possible for student parking. He passed out a site map of the parking lot to the Commissioners to look at. He sweeps the parking lot and handles the landscaping

for everything except IHop and Big O Tires. Other than that, Wal Mart does their own lighting and security, pavement and all other stuff. Creekside owns the building and Safeco owns the parking lots. The area in front of Domino's to Salon Centric has approximately 138 to 140 parking spaces. According to the staff report they are anticipating 135 cars parking at one time. The back has about 80 to 90 parking stalls so that would help reduce impact in the front. He is in favor of the project but would just like to see the back parking lot used.

Commissioner DaSilva asked if it was just going to be Monday through Friday.

The applicant replied, yes.

Commissioner Tyler asked if the back parking lot would be noted that it is for student parking only.

The applicant responded from the audience but was unable to be heard on the audio.

Commissioner Hutchings asked if anyone else would like to speak on the item. There were none.

The item was returned to the Commission for further processing.

Commissioner Tyler made a move to accept Motion 1, seconded by Commissioner Norton. The motion was carried unanimously 6-0.

The next item on the agenda was CUP 2016-20 & SPR 2016-36 – Residence in C1 Zone District. Christopher Boyle, Planning Manager asked the Commission if he could rearrange the agenda and give Mr. Teran time to show up.

The Commission agreed and CUP 2016-21 & SPR 2016-38 – Wal-Mart Temporary Outdoor Storage was moved to the next item.

3. CUP 2016-21 & SPR 2016-38 – Wal-Mart Temporary Outdoor Storage

A noticed public hearing to consider a conditional use permit and site plan review to allow for temporary placement of up to ten storage containers during the 2016 holiday sales season. Wal-Mart is located approximately 1000 feet east of the northeast corner of the intersection of North Schnoor Avenue and West Cleveland Avenue (1977 West Cleveland Avenue), in the C1 (Light Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-041-009).

Planning Manager, Christopher Boyle presented the item.

Commissioner Hutchings asked if there were any questions of Mr. Boyle. There were none and the item was opened for public hearing.

The applicant was asked to step forward.

Denise Buchta, Wal-Mart Manager, 1977 W. Cleveland Ave. stepped to the podium and said she is in agreement with all the conditions.

Commissioner Hutchings thanked her and asked if anyone else would like to speak on the item. Nobody responded and the item was returned to the Commission for further action.

Commissioner Norton made a move to approve Motion 1, seconded by Commissioner DaSilva. The motion was carried unanimously 7-0.

4. CUP 2016-20 & SPR 2016-36 – Residence in C1 Zone District

A noticed public hearing to consider a conditional use permit and site plan review to allow for the reestablishment of a residence in a commercial zone. The project site is located at the southwest corner of North C Street and East 5th Street (126 North C Street) in the C1 (Light Commercial) Zone District, with a C (Commercial) General Plan land use designation (APN: 007-111-001).

Christopher Boyle, Planning Manager stepped to the podium and asked to return to the item that was moved. The applicant was still not present in the audience. It is not necessary and he will still allow the Commission to take discretionary action.

Commissioner Gran said he didn't feel comfortable subjecting someone to conditions when they are not here.

Other Commissioners felt that he knew about the item going to the Commission and didn't show up.

Commissioner Hutchings said he didn't have any problems with proceeding.

Mr. Boyle began his presentation on the item.

Commissioner Mendoza asked if it's a wooden fence at the property.

Mr. Boyle confirmed yes, the fence is wooden.

Commissioner DaSilva asked about the parking stalls in front.

Mr. Boyle said the ones in the front don't count towards the required on-site parking. The applicant would use street parking for their own vehicles.

Commissioner DalCerro asked if the parking along C Street is limited to the 2 hour parking.

Mr. Boyle said he didn't believe so, they are outside of the downtown parking district. The customer has not shown interest in coming into that district.

Commissioner Hutchings asked if there were any other questions for Mr. Boyle.

Commissioner DalCerro asked about the landscaping and item #21. Is that different than the new state standards?

Mr. Boyle said yes, that ordinance is part of the City by default. The trigger point for conforming to that ordinance is with the issue of a permit. There is not a permit being issued here, no change in the land use so we didn't feel that the issuance of the use permit alone warranted the tear out of the existing landscaping.

Commissioner DalCerro thanked Mr. Boyle.

Commissioner Hutchings opened the item for public hearing and invited anyone who wished to step forward to do so.

There was nobody to speak on the item.

The item was returned to the Commission for further processing.

Commissioner Hutchings said it is disappointing to him that the applicant is not present but he would be ok to move forward.

Commissioner DalCerro made a move to approve Motion 1, seconded by Commissioner Tyler. The vote was carried unanimously 7-0.

NON PUBLIC HEARING ITEMS:

1. CUP 2015-31 & SPR 2015-34 – Los Girasoles Restaurant ABC

A review of the performance of Conditional Use Permit 2015-31, allowing for the sale of beer and wine and provision of outdoor dining in conjunction with a restaurant, consideration as to whether a revocation hearing is appropriate and setting of such hearing if necessary. The site is located southeast of the intersection of East Central Avenue and North Gateway Drive (703 North Gateway Drive) in the C2 (Heavy Commercial) Zone District with a C (Commercial) General Plan land use designation (APN: 007-041-009).

Christopher Boyle, Planning Manager presented the item to the Commission and requested a continuance to the November 8th, 2016 Planning Commission meeting giving the applicant time to make improvements.

Commissioner Gran said he has actually gone a couple times and talked to the owner.

Commissioner DalCerro said it's not really surprising, but we have to start some place enforcing the landscaping requirements.

Commissioner Mendoza asked if artificial grass is an option.

Mr. Boyle said yes it is an option within the State's ordinance.

Commissioner Gran said it would be cheaper to get the stamped plans.

Commissioner DalCerro confirmed there still needs to be some shrubbery and they cannot have all artificial grass.

Mr. Boyle said that part of the solution was to take some of the grass out and now there is dirt in some places. Unfortunately that's not an alternative that is acceptable.

Commissioner Gran said the said part is that it was all there.

Commissioner DalCerro agreed that it looked so nice.

Mr. Boyle confirmed yes, it was there, maybe not maintained as we would have liked but it would have greened up really well.

Commissioner DalCerro asked if the reluctance was simply economic or they just want to do what they want to do.

Commissioner Gran said it is both. The owner is very reluctant about it. She said she doesn't understand.

Commissioner Norton said they repainted the building as if that was as far as they were going to go.

Commissioner DaSilva said to give them until October.

Mr. Boyle said he tries very hard to be business friendly and collaborate with the business community but he also takes the conditions of approval for discretionary items very seriously and if the applicant is not going to comply after saying so it becomes problematic.

Commissioner Norton made a move to accept Motion 1, seconded by Commissioner DalCerro. The vote was carried unanimously 7-0.

ADMINISTRATIVE REPORTS:

Mr. Boyle presented an update on some previous projects that have come through the Commission.

The first item was TEC Gymnastics. They had asked for an expansion. The conditions of approval were to be made prior to occupancy of the additional 5,000 square foot space. To this date, the improvements have not been made. He spoke with Berry's office this morning and the work order has been prepared but not approved by management. It is awaiting the signature so a job can be created to make the side walk improvements. Mrs. Britton will then be allowed to expand into the additional space.

Bethard Square was the second item talked about. Mr. Boyle said he does have an approved landscape and irrigation plan. The site will look refreshed once the landscape and slurry seal and restriping on the parking lot is done. The applicant is working hard to meet the deadline. Several conditions for the Engineering Department have not been satisfied but he knows they are working on the list and they are serious about getting this done by the November 1st date. They have two tenants coming in within the next two weeks or so.

Commissioner Norton confirmed the tenants would be allowed to open prior to the requirements being done.

Mr. Boyle confirmed yes, the tenants can occupy as long as the improvements to the building are 100% complete, but the site improvements over all need to be done by November 1st. He's working hard in terms of getting these things done.

Commissioner Norton asked what happens on November 2nd if we are not satisfied.

Mr. Boyle said he doesn't think we would red tag. That would be a last resort not a first resort.

Commissioner Norton asked if it's kind of like a line in the sand that doesn't really mean anything.

Mr. Boyle said they would not allow any other tenants to occupy.

Commissioner Da Silva asked who was coming in within the two weeks.

Mr. Boyle said that Dollar Tree would be open by mid-October.

Commissioner Tyler said they are already open now.

Mr. Boyle said the Building Department may have given them occupancy. This project has been a challenge. They agreed to the conditions of approval but wanted flexibility. It's been a tough concept and has slowed this project down substantially.

Commissioner DalCerro said it does look better but hopefully it will look nice when completed.

Mr. Boyle said it is a very nice landscape/irrigation plan. There is great attention to detail with the landscaping that will be installed. The first contractor that did the concrete work used substandard concrete and it is falling apart. That needs to be replaced.

The third item was Napa Auto Parts. This is a component of a well-built facility. There are a couple of items that are not satisfied. There is temporary occupancy on the site. The 'C' train is not a permanent site improvement.

Commissioner DaSilva asked if it was Napa's or the contractors.

Mr. Boyle said it belonged to Napa and they were using it to store inventory. They are on notice to remove it. There is a sign that needs to be relocated. It was erroneously permitted in the City right-of-way. There was a staff error and it is being relocated.

The next item was Emma's. They came to the Commission recently and were to install a bathroom. They have not made any application to install a bathroom so we may be seeing them again. They have rearranged their space to provide for a dining area.

Commissioner DaSilva confirmed there was still the little bathroom in the back.

Mr. Boyle said yes, he is not sure if it is available to patron or not though. They did come in and meet and looked at a logical site plan that would provide an ADA path of travel to the restroom. However, that's as far as it's gone.

Herbalife Fitness was up next. There were concerns about parking and outdoor activities. None of the concerns are now an issue. There was effort on installing the trash enclosure but recently there has not been any dialogue. They are on the radar and being watched for that.

Silva Ford is in full swing towards the first steps to their expansion. Within the next seven (7) days the Engineering Department will approve a traffic control plan and will create a diversion. They will start the abandonment of the H Street that was completed by the City Council.

The next item was Franks Auto Repair and Liberty Baptist Church both located at 801 South Gateway Dr. There was some concern regarding the parking. However, a lot of the parking problems have gone away. There was conversation with the tenants and the property owner.

The Valero Remodel is still in plan check. This would be the total refurbishment of the site at Lake and E. Cleveland. They are a little bit behind the curve.

Lastly, Thrive Fitness goes the City Council next week. Staff has not prepared a report and would like to ask the Commission to have a representative appear at the Council meeting on Wednesday the 21st. He asked the Commission to appoint a representative.

That completed Mr. Boyle's presentation.

Commissioner Hutchings said he would not have any problems attending the Council meeting on behalf of the Commission.

Commissioner Gran said it wasn't an easy decision, there was a lot of testimony and as long as Commissioner Hutchings can convey that to City Council there shouldn't be a problem.

Commissioner Hutchings asked if there were any items that the Commissioners would like to bring up.

There were none.

COMMISSIONER REPORTS:

Commissioner Hutchings noted that on his morning walks he noticed that over on Gateway and Central at the northwest corner. There is the upholstery shop and the corner parcel is vacant and an eye sore with a lot of debris. He was thinking it would be nice if they could put in a pocket park there. Just an idea he had.

There were no other items to be mentioned.

The meeting adjourned at 7:14 pm.



Kenneth F. Hutchings
Planning Commission Chairperson



Brandi Garcia, Recording Secretary